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MT LEGISLATIVE HISTORY

Chapter 251 1991

Bill H 494 S _____ Original bill & hist. ___C

H. Committee on Highways & Transportation S. Committee on Judiciary

Hearing Date(s)	Feb 14	✓C	Hearing Date(s)	Mar 21	✓C
	_____	___C		April	✓C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	Feb 15	✓C		Apr 02	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Note: A Free Conference Committee was appointed, but its minutes were not recorded.

	TRANSMITTED TO SENATE		
3/28	FIRST READING		
3/28	REFERRED TO FINANCE & CLAIMS		
4/04	HEARING		
4/10	COMMITTEE REPORT—BILL CONCURRED		
4/11	2ND READING CONCURRED	50	0
4/12	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
4/19	SIGNED BY SPEAKER		
4/19	SIGNED BY PRESIDENT		
4/19	TRANSMITTED TO GOVERNOR		
4/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 559	EFFECTIVE DATE: 7/01/91	

HB 492 INTRODUCED BY L. NELSON

INCREASE HOUSE MEMBERS' TERMS TO 4 YEARS AND ELECT HALF EVERY 2 YEARS

1/31	INTRODUCED		
1/31	REFERRED TO STATE ADMINISTRATION		
1/31	FIRST READING		
2/13	HEARING		
2/20	TABLED IN COMMITTEE		

HB 493 INTRODUCED BY COHEN, ET AL.

REPEAL EXCLUSIVE REMEDY PROVISIONS OF HUMAN RIGHTS LAW

1/31	INTRODUCED		
1/31	REFERRED TO JUDICIARY		
1/31	FIRST READING		
2/13	HEARING		
2/14	COMMITTEE REPORT—BILL PASSED		
2/16	2ND READING PASSED	77	16
2/19	3RD READING PASSED	65	33
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO JUDICIARY		
3/05	HEARING		
3/19	COMMITTEE REPORT—BILL NOT PASSED		
3/19	ADVERSE COMMITTEE REPORT ADOPTED	44	3

HB 494 INTRODUCED BY O'KEEFE, ET AL.

INCREASE DRIVER'S LICENSE REINSTATEMENT FEE AND SPECIFY FEE ALLOCATIONS

1/31	INTRODUCED		
1/31	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/31	FIRST READING		
1/31	FISCAL NOTE REQUESTED		
2/05	FISCAL NOTE RECEIVED		
2/07	FISCAL NOTE PRINTED		
2/14	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED		
2/23	2ND READING PASSED AS AMENDED	56	42
2/26	3RD READING PASSED	54	34
	TRANSMITTED TO SENATE		
2/27	FIRST READING		
2/27	REFERRED TO JUDICIARY		
3/21	HEARING		
4/02	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/04	2ND READING CONCURRED	40	8
4/05	3RD READING CONCURRED	33	17

	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS NOT CONCURRED	69	29
4/11	FREE CONFERENCE COMMITTEE APPOINTED		
4/24	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/24	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	73	27
4/25	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	69	31
	SENATE		
4/16	FREE CONFERENCE COMMITTEE APPOINTED		
4/24	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/24	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0
4/24	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	43	6
4/29	SIGNED BY SPEAKER		
4/29	SIGNED BY PRESIDENT		
4/30	TRANSMITTED TO GOVERNOR		
5/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 751	EFFECTIVE DATE: 10/01/91	

HB 495 INTRODUCED BY HARPER, ET AL.
ESTABLISH POLICY TO ADDRESS STATE PARK AND FISHING ACCESS SITE IMPROVEMENTS

1/31	INTRODUCED		
1/31	REFERRED TO FISH & GAME		
1/31	FIRST READING		
1/31	FISCAL NOTE REQUESTED		
2/04	FISCAL NOTE RECEIVED		
2/04	FISCAL NOTE PRINTED		
2/07	HEARING		
2/12	TABLED IN COMMITTEE		
2/19	TAKEN FROM TABLE		
2/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	99	0
2/26	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/27	FIRST READING		
2/27	REFERRED TO FISH & GAME		
3/21	HEARING		
3/22	COMMITTEE REPORT—BILL CONCURRED		
3/23	2ND READING CONCURRED	47	0
3/25	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
4/03	SIGNED BY SPEAKER		
4/03	SIGNED BY PRESIDENT		
4/03	TRANSMITTED TO GOVERNOR		
4/06	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 367	EFFECTIVE DATE: 10/01/91	

HB 496 INTRODUCED BY DAVIS
REQUIRE PROOF OF OWNERSHIP AND LIABILITY INSURANCE FOR VEHICLE REGISTRATION

1/31	INTRODUCED
1/31	REFERRED TO HIGHWAYS & TRANSPORTATION
1/31	FIRST READING
	DIED IN COMMITTEE

HB 497 INTRODUCED BY DARKO, ET AL.
REVISE SALARIES OR COMPENSATION FOR VARIOUS COUNTY OFFICERS

Closing by Sponsor:

REP. SOUTHWORTH said this is a people bill. These big trucks are unpopular among the common people. Roads are rutted and torn up by trucks. The Governor wants to increase the loads coming from Canada. The message to take the triple trailers off the road is more and bigger trucks must stop. Get the trains back on the tracks. REP. SOUTHWORTH urged a do pass for HB 440.

HEARING ON HB 494

Presentation and Opening Statement by Sponsor:

REP. MARK O'KEEFE, House District 45, Helena, said HB 494 is a non-user fee bill. The bill increases the reinstatement fee for drivers licenses of people convicted of DUI from $50 to $100. The reason for the bill is federal funding for DUI task forces is about to decrease or disappear entirely. The only way to continue funding the task force is to increase the reinstatement fee. EXHIBIT 6

Proponents' Testimony:

Lonie Parson, Coordinator, Missoula Traffic Safety Task Force, presented testimony in support of HB 494. EXHIBIT 7

Addison Clark, Chief of Police, Kalispell, member Flathead County DUI Task Force, said Kalispell depends on the DUI Task Force to help fund DUI patrolling and associated training. Now that federal funding will be lost, it is imperative to increase reinstatement funds to support the safety program. It is appropriate the offender carry the load rather than the taxpayer. The efforts in local DUI task forces have been instrumental in reversing the trend of alcohol related accidents throughout Montana, not just in Kalispell or Missoula. In 1983, there were 4,172 alcohol related accidents in Montana. In 1989 after six years of the DUI program, that accident rate has been reduced to 2,526. Seventy-two percent of the reduction came from counties with a DUI task force. Mr. Clark asked the committee's support of HB 494.

Beverly Braig, Chairman Flathead County DUI Task Force, Kalispell, is a volunteer for the Task Force. He said that 99 percent of funds are spent in education, prevention and enforcement. A high level of visibility is maintained by the offender paying for enforcement. Ms. Braig urged passage of the bill.

Dale Mrkich, Chairman, Yellowstone County DUI Task Force, Billings, represents a volunteer group of law enforcement personnel, prosecutors, dependency treatment providers, educators, students, tavern owners, beer distributors and others whose purpose is to eliminate drinking and driving in Yellowstone County. Strong DUI enforcement, aggressive prosecution, and

highly visible education programs are stressed. **Mr. Mrkich** supports HB 494.

Barbara Moy, Coordinator, Lewis and Clark County Stop DUI Task Force, supports all that has been stated, and urged support of HB 494.

Dick Griffin, Chairman, Lake county DUI Task Force, represents the Lake County Commissioners and 22 active members of the task force supporting the bill.

Leonard Wortman, Jefferson County Assessor and Co-chairman of the Jefferson County DUI Task Force, stated additional fees raised by this bill are needed to continue to combat drunk driving deaths and tragedies on highways.

Ken Anderson, member Flathead County Task Force, echoes what has been said and urged the committee to support HB 494.

Albert Goke, Administrator, Highway Safety Division, Department of Justice, is the linking state agency to activities of the DUI Task Force. Members of the Task Force appointed by the County Commissioners annually submit plans for approval. Funds are disbursed quarterly from the General Fund to the Task Force.

George McCauley, DUI Steering Committee, Helena, supports the bill. **Mr. McCauley** related incidents in his family resulting from a drunk driver. Most of the incidents were before DUI Task Forces. He hoped the money will be available to prevent such incidents happening to another family.

Jim Nugent, City Attorney, Missoula, strongly urged support for DUI Task Force. Task Force are helpful in the area of public awareness and law enforcement.

Opponents' Testimony: None

Questions From Committee Members:

REP. ELLIS wondered why the additional money was not put on the penalty. A bill recently went through that reduced the prison penalty. **REP. O'KEEFE** said in his opinion this is an increased penalty bill. There are numbers on which to base a budget. It is a cleaner way to keep track of the funding to the DUI Task Forces.

Closing by Sponsor:

REP. O'KEEFE said one nice thing about the bill and the DUI Task Force, is the funding mechanism it puts in place. If these people continue to do their job as well as they are, they will put themselves out of business. The end goal is to insure people don't drive drunk. The Task Forces are volunteers, a group of citizens throughout the state who do the work without cost.

Money goes into education. **REP. O'KEEFE** urged do pass.

HEARING ON HB 560

Presentation and Opening Statement by Sponsor:

CHAIRMAN BARRY STANG, House District 52, St. Regis, introduced HB 560. It is an act to credit revenue from the drivers license motorcycle endorsement fee to the motorcycle safety training account administered by the Superintendent of Public Instruction.

Proponents' Testimony:

Dal Smilie, Chairman, Montana Motorcycle Safety Advisory Committee, said that the committee set by statute from HB 231 last session advises Superintendent of Public Instruction concerning motorcycle safety education program. **Mr. Smilie** supports HB 560. EXHIBIT 8

Jill Z. Smith, Town Clerk and Treasurer, Plains, is involved in the sport of motorcycling and urged HB 560 do pass. She presented written testimony. EXHIBIT 9

Linda Ellison, Land Use Coordinator, Montana Trail Vehicle Riders Association, said the organization believes in paying "our way" and spending "our dollars" on "our program". A number of off-road vehicles are also licensed for on-road use. Many members have street bikes as well as off highway bikes. Safety depends on education of those riders. **Ms. Ellison** urged support of HB 560.

Gregg Groepper, Office of Public Instruction, said he is in favor of HB 560.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

CHAIRMAN STANG believes the proponents explained the bill well, showing a real commitment to motorcycle safety in Montana. He asked the committee for a do pass.

HEARING ON HB 763

Presentation and Opening Statement by Sponsor:

CHAIRMAN BARRY STANG, House District 52, St. Regis, presented HB 763 that is a companion bill to HB 560. The bill enacts and makes permanent the Motorcycle Safety Training Program by consolidating the Motorcycle Safety Training Program with the Traffic Education Program providing for transfer of money from the Motorcycle Training account to the State Traffic Education account.

EXECUTIVE ACTION ON HB 459

Motion: REP. STEPPLER MOVED HB 459 DO NOT PASS.

Discussion: REP. STEPPLER feels the bill will do the opposite of what is intended. Section 6 doubles the liability coverage and will price more people out of the insurance market and more people will not have insurance.

REP. ELLIS said that young drivers who may already have an accident have high rates, and doubling the coverage will cause them to not have insurance.

Motion/Vote: Question was called. Voice vote was taken.

Vote: HB 459 DO NOT PASS. Motion CARRIED 15 to 2 with REP. TOOLE and REP. MCCULLOCH voting no.

Motion: REP. BERGSAGEL MADE A SUBSTITUTE MOTION THAT HB 459 BE TABLED.

Motion/Vote: Question was called. Voice vote was taken.

Vote: HB 459 BE TABLED. Motion CARRIED 16 to 1 with REP. TOOLE voting no.

EXECUTIVE ACTION ON HB 494

Motion: REP. NELSON MOVED HB 494 DO PASS.

Discussion: REP. NELSON said the bill seems to be a fair thing to do.

CHAIRMAN STANG said he has listened to the bill for three sessions now, and raising the fee to $50 was a fight. Currently, the only person controlling the programs funded by the fee is Al Goke. Programs are submitting to him and he has sole responsibility to decide whether the program is approved and who gets money. There may be attempts to amend the bill on the floor to add programs or give control to someone else.

REP. STEPPLER said he feels in many cases people are being hit who can't afford any more. A fine is in place for drunk driving, and a $50 fee is paid to get the license back.

REP. MCCULLOCH said federal funding was to decrease, so there would be less funds.

REP. ELLIS feels the program financed through the drivers license fee is not an adequate way to deal with DUIs. A detox program is what is needed to realize the implications of the disease of alcoholism.

REP. TUNBY asked if the programs were continued, would they not

keep someone from getting very involved?

Motion/Vote: Question was called. Roll call vote was taken.

Vote: HB 494 DO PASS. Motion CARRIED 9 to 8. EXHIBIT 15

EXECUTIVE ACTION ON HB 636

Motion: REP. LARSON MOVED HB 636 DO PASS.

Motion/Vote: REP. LARSON moved to adopt amendments.

Discussion: REP. LARSON said the amendments make the language consistent that a Class D carrier cannot come in and haul garbage, but can only pick it up at the transfer site and take it to the landfill. The bill restricts where the carrier can operate. He also wanted it amended to be effective on passage and approval by limiting the pick up of garbage to the transfer sites.

Vote: Voice vote was taken to adopt amendments. Motion CARRIED 16 to 1 with REP. FELAND voting no.

Motion: REP. LARSON MADE A SUBSTITUTE MOTION THAT HB 636 DO PASS AS AMENDED.

Discussion: REP. LARSON said he believed the opponents were misinformed. This bill does not interfere with Class D authority to pick up garbage. It permits landfill operators or county and local government to contract for the removal of garbage from a transfer site to a dump. Local landfills are being encouraged to close and go to regional landfill sites. There needs to be hauling authority between the transfer site and dumps. REP. LARSON recommended to pass this bill.

REP. FELAND said the committee is getting involved in regulatory business. A government will be allowed to let someone haul garbage. Will it dilute any authorities in effect? REP. LARSON said no.

REP. STEPPLER said the Class D carrier has the authority to pick up garbage and haul it to a transfer site or a landfill. All this bill discusses is how the garbage is hauled from the boxes or transfer site to the dump. It permits the local regulatory authority to assign the contract.

CHAIRMAN STANG said if a garbage hauler currently contracts to haul garbage to a landfill, would the county be permitted to take away that authority and get someone else to do it. REP. LARSON said it could put the haul out to competitive bid. When the hauler goes to the dump, he becomes a Class C carrier and needs Class C authority from PSC.

REP. GERVAIS said is sounded like there is a monopoly in the area

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL DATE 2-14-91

NAME	PRESENT	ABSENT	EXCUSED
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓		
REP. FLOYD "BOB" GERVAIS,V.CHAIRMAN	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. JANE DEBRUYCKER	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. PATRICK GALVIN	✓		
REP. DICK KNOX	✓		
REP. DON LARSON	✓		
REP. SCOTT MCCULLOCH	✓		
REP. JIM MADISON	✓		
REP. LINDA NELSON	✓		
REP. DON STEPPLER	✓		
REP. HOWARD TOOLE	✓		
REP. ROLPH TUNBY	✓		

CS05HWYS&T.MAN

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 494 (first reading copy -- white) do pass .

Signed: _____
Barry Stang, Chairman

ROY M. DELONG
Commissioner

CHERIE HOOTEN
Commissioner

NORMAN E. RESLER
Commissioner

DIXIE VAUGHT
Clerk & Recorder

DARLENE H. WILLHITE
Treasurer - Supt. of Schools

PATRICIA N. ELDRIDGE
Assessor

LISA FERKOVICH
Clerk of District Court

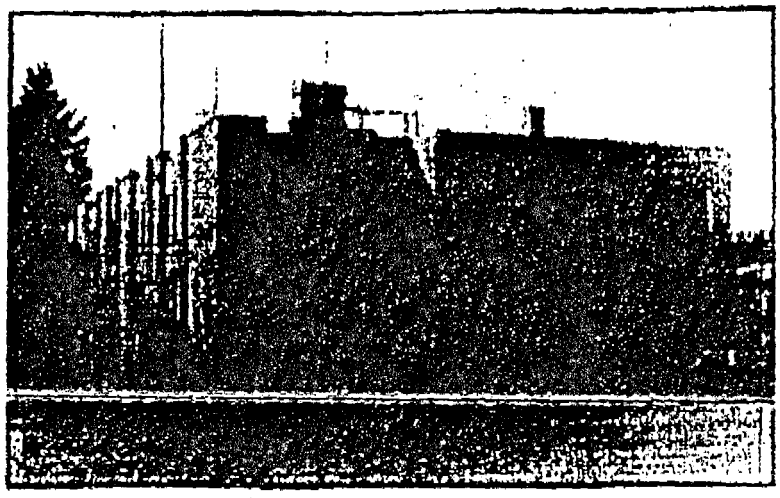
ROBERT SLOMSKI
Attorney

WILLIAM J. ALEXANDER
Sheriff

DIANNE K. FRANKE
Administrator

MARK A. DENKE
Coroner

ROBERT BEITZ
Justice of the Peace



COUNTY OF SANDERS

STATE OF MONTANA

P.O. Box 519
Thompson Falls, Montana 59873

EXHIBIT 6
DATE 2-14-91
HB 494

February 14, 1991

Rep. Mark O'Keefe
House District No. 45
State Capitol
Helena, MT 59620

Re: House Bill 494

Dear Rep. O'Keefe:

We, of the Sanders County DUI Task Force, feel that it would be a good thing to raise the fee from $50.00 to $100.00. We feel that any act deserves a consequence and the first and second time offenders need to have a chance to do something about their DUI conviction. However, we find that a person who has more than one or two convictions has not been able to pay the first fee and will not be able probably to pay any other, so we must find some other way to discipline this person.

We have used our funding in many different ways in our community. We have funded extra DUI patrols for our local Sheriff's Department. We have helped fund alcohol free graduation parties for our local high school seniors in four communities. We have given scholarships for several persons to attend different workshops, who have returned and shared their findings with other groups in the county. We have helped the DARE program, have put ads in local papers, have presented non-alcohol recipes at holiday times in the local grocery stores. We are now considering signs at each entrance to our county stating our position on DUI enforcement. We have purchased some equipment for the Sheriff's office and Recovery Northwest program. We have

EXHIBIT 6
DATE 3-14-91
HB 494

presented material at several community functions and have helped fund the establishment of high school support groups in three high schools. This list is not inclusive, but does represent what we are striving to do.

Thank you, Mark, for your work on this House Bill. If we can be of further assistance, please let us know.

Sincerely,

Mary Naegeli
Sanders County DUI Task Force

MN:df

MISSOULA TRAFFIC SAFETY TASK FORCE
EDUCATION
ENGINEERING
ENFORCEMENT
EVALUATION
Missoula City-County Health Department
301 West Alder — Missoula, Montana 59802
(406) 523-4775

EXHIBIT 7
DATE 2-14-91
HB 494

February 14, 1991

Representative Barry Stang, Chairman
Highways and Transportation Committee
Montana House of Representatives
State Capitol
Helena, MT 59620

Dear Representative Stang:

I am writing in support of HB494 "AN ACT INCREASING THE DRIVER'S LICENSE REINSTATEMENT FEE; AND AMENDING SECTION 61-2-107, MCA."

I have worked as the coordinator of the Missoula Traffic Safety Task Force for the past four years. The task force had its origin in November 1982, and focused solely on DUI related issues. The success of this community partnership approach caused the Task Force to be expanded in subsequent years to address a variety of traffic safety concerns.

The DUI component of the task force provides a coordinated drinking and driving prevention program consisting of extensive education and enforcement activities. We believe that these efforts have resulted in a dramatic reduction in alcohol-related motor vehicle crashes in Missoula County.

The task force is a community action group of over 50 volunteers representing community leaders, interested citizens, law enforcement, city and county government, the medical community, insurance industry, tavern owners, alcohol wholesalers, schools, social services and legal counsel. It has employed various strategies to reduce the incidence of drinking and driving, including support of local law enforcement efforts with training programs in DUI detection and overtime reimbursements to fund safety spot checks and DUI Enforcement Team, alcohol server training, free taxi service for impaired drivers, and providing information to target audiences about the consequences and costs related to a DUI conviction.

EXHIBIT 7
DATE 2-14-91
HB 494

During the 7 years of Task Force operation, Missoula has had 549 fewer alcohol-related crashes than we would have expected if we had maintained the rate established in 1983. In 1989 alone, we had a 70% reduction in alcohol-related crashes from our 1983 base year. In spite of this accomplishment, alcohol- and other drug-impaired driving continues to be a serious problem. Since 1983, Missoula DUI arrests have averaged 700 per year. The average blood alcohol concentration of persons arrested for driving under the influence is .18 -- nearly twice the legal limit.

Federal grants and revenue generated by the $50 driver's license reinstatement fee assessed to persons who lose their license for an alcohol-related traffic offense have sustained Missoula's DUI reduction efforts for the past eight years. Federal funding for DUI countermeasure programs is being systematically reduced and will result in less proactive DUI enforcement and public information and education endeavors. Therefore, we need a funding mechanism to sustain these valuable efforts at their present level.

An increase in the driver's license reinstatement fee from $50 to $100 would accomplish that end. The increased reinstatement fee would place the cost of program support on program users rather than on taxpayers and maintain the ability of local community partnerships to contend with the complex challenge of reducing the incidence of impaired driving and related motor vehicle crashes.

Sincere regards,

Lonie Parson, Coordinator
Missoula Traffic Safety Task Force

EXHIBIT 15
DATE 2-14-91
HB 494

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-14-91 BILL NO. HB494 NUMBER _____

MOTION: DP

Rep. Nelson Moved HB494 Do PASS. Motion Carried 9-8

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN		✓
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK		✓
REP. JANE DEBRUYCKER	✓	
REP. ALVIN ELLIS, JR.		✓
REP. GARY FELAND		✓
REP. MIKE FOSTER	✓	
REP. PATRICK GALVIN	✓	
REP. DICK KNOX		✓
REP. DON LARSON	✓	
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON	✓	
REP. LINDA NELSON	✓	
REP. DON STEPPLER		✓
REP. HOWARD TOOLE	✓	
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN		✓
TOTAL	9	8

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Highways COMMITTEE BILL NO. HB 494

DATE 2-14-91 SPONSOR(S) Rep. O'Keefe

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
BARBARA MAY PO BOX 1723 Helena MT 59624	Lewis + Clark Co. STOP-DUI Task Force	X	
Dick Giffin 106 4th AVE. E. Polson, MT 59860	Lake County DUI Task Force Chairman High Traffic Safety	X	
Albert Goke	Dept. of Justice	X	
Leonard Wortman	Jeff. Co. DUI Task Force	X	
Dale R McMeekin	Lewis + Clark DUI Task Force	X	
George McCauley 1430 MUSTANG HELENA	Lewis & Clark D.U.I. Steering Com.	X	
Lonie Parson Mela 3701 Stephens	Missoula Traffic Safety Task Force	X	
DALE R. MARICH	YELLOWSTONE CO. DUI TASKFORCE	X	
Deanne Stanley	Coordinator, Yell. Co. DUI Task Force	X	
Madison H Clark	Flathead Co DUI Task Force	X	
Ken Coleman	Flathead Court	X	
Jim Nugent	City of Missoula	X	
BEVERLY J BRAIG	FLATHEAD CO DUI	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

senior citizen center from applications, permits, licensing, and taxes.

Senator Towe asked if he intended to limit "pots". Representative Lee replied that everything in current gaming statutes applies to this bill.

Amendments, Discussion, and Votes:

There were none.

Recommendation and Vote:

No further action was taken on HB 847 this date.

HEARING ON HOUSE BILL 494

Presentation and Opening Statement by Sponsor:

Representative Mark O'Keefe, District 45, said the bill started with the statewide DUI Task Force, which is about to lose federal dollars for community services. He explained that the Task Force would be funded by an increase (from $50 to $100) in the drivers' license reinstatement fee.

Representative O'Keefe reported that Representative Dave Brown amended the bill in the House (57-43) to state that these funds would go to county treasurers, and that county commissioners would distribute them to a variety of programs, such as alcohol treatment, DARE, and law enforcement education. Representative O'Keefe recommended striking that amendment.

Proponents' Testimony:

Albert Goke, Administrator, Highway Safety Division, DOH, advised the Committee that federal incentive dollars were made available to the states for DUI task forces, but cease on July 1, 1991. He said the bill keeps the DUI Task Force as it is, and that 61-2-106, MCA, makes clear the intent of the law (Exhibit #2). Mr. Goke stated there was a 39 percent decrease in alcohol-related accidents in Montana in 1989. He stated that 70 percent of that decrease comes from DUI Task Force counties, and that if 61-2-106, remains in the law, but there is no money, there is no way to carry it out.

Mike Ruppert, President, Chemical Dependency Programs of Montana, and Director, Body Andrew Center, said he is also a member of the DUI Task Force, and supports HB 494 with the amendment proposed by Representative O'Keefe. He provided a graph of DUIs referred to Boy Andrew Center court school (Exhibit #4), and said this means spending money for equipment.

Mr. Ruppert stated that the House amendment will decimate the Task Force, as funding could be affected by local political

decisions. He commented that there is more focus toward multiple offenders right now.

Addison Clark, Chief of Police, City of Kalispell, said he is a member of the DUI Task Force, and that Kalispell depends heavily on the Force for assistance. He commented that the burden should be on the offender, and said the reduction in alcohol-related accidents referred to by Mr. Goke is important (Exhibit #5). Mr. Clark further commented that, without arrests, there won't be reinstatement fees.

Leonard Wortman, Jefferson County Assessor, and DUI Task Force member, said the Force works to prevent people from driving drunk, and to save lives. He said he recently watched a 30-year-old in Anaconda cry and say he was sorry for killing someone in a drunk driving accident.

Mr. Wortman stated that the goal of the DUI task force is to prevent drunk driving. He stated that more than twice as many people were killed by drunk drivers during the four days of the ground war in Kuwait, than in the war itself. He further stated that 4600 Americans died at the hands of drunk drivers during the 72 days of the entire Mideast war. Mr. Wortman said this bill would be funded by the people violating the law, and asked the Committee to support the people at home as much as they supported U.S. troops in the Mideast.

Ken Anderson, Director, Flathead Valley Chemical Dependency Treatment Center, and DUI Task Force member, read from a prepared statement in support of Representative O'Keefe's request to amend the bill (Exhibit #6).

George McCauley, Helena Area DUI Task Force volunteer, stated his support of the bill, and his adamant opposition to the amendments of Representative Dave Brown. He read from testimony stating his concern that DUI Task Force people are valuable, and that some Task Force dollars go to overtime for law enforcement during peak DUI hours.

Carol Habets, DUI Task Force Coordinator, Cascade County, said the Task Force involves judges, treatment centers, law enforcement and citizens who work to address DUI problems in Cascade County. She said she supports the bill without the House amendments.

Lonie Parson, Missoula Traffic Safety Task Force, said volunteers have been working together in Missoula since 1983, and have seen a dramatic reduction in alcohol-related accidents (542 fewer than the 1983 base level). She explained that Missoula still has an average of 700 arrests annually, and that blood alcohol levels average 1.8 to 2.0 (Exhibits #7 and #8).

Representative Dave Brown, District 72, said his first instinct was to kill HB 494, and then he decided to amend it. He told the Committee he called members of the Congressional

Appropriations Committee who said it is now up to the states to fund DUI Task Forces. Representative Brown said lines 17-22, page 2, state that up to 50 percent of fees will go to adult chemical dependency treatment and to law enforcement. He further stated that lines 12-16, page 2, say the balance of fees collected can be used by counties to address concerns relating to minors, such as substance abuse.

Representative Brown advised the Committee that the DARE program is winding down, and that there is a need to get at kids in fourth through eighth grades to stem potential problems. He further advised the Committee there will be a bill before the Senate next week to raise the standards of alcoholism counselors to provide for treatment than has been available in the past.

Representative Brown stated that jurisdiction needs to be at the local level for program funding, and that keeping it within the Department of Justice will make addressing local problems more difficult. He said the Legislature does try to give as much responsibility to local governments as possible, and asked that the Committee amend page 2 to include "city governments". Representative Brown told the Committee that most of the pleas to return the bill to its original form are not valid, and that there are other motives.

Opponents' Testimony:

There were no opponents of the bill.

Questions From Committee Members:

Senator Mazurek asked why drivers' license fees would go to recreation, and why the language is so broad. Representative Dave brown replied that the amendment was hastily drawn on the House floor, and that he had no objection to striking this language. He said his intent was primarily for adult chemical dependency treatment, but he would not want to see alcohol-free teen centers eliminated.

Chairman Pinsoneault commented that Lake County has the highest percentage of DUI arrests in the state. He asked Representative Brown if he would object to providing 10 percent of fees to kids and leaving 90 percent to the DUI Task Force. Representative Brown replied it is clear that there is a need to emphasize education for young people, but he is concerned that the DUI Task Force may not be using these funds in the best manner to teat alcohol abuse. He stated he was also trying to enhance law enforcement education in this area.

Senator Towe asked why this needs to be changed when it appears the DUI Task Force is working effectively. Representative Brown replied that some programs are working very well, and some aren't. He said he believes counties would be able to make the

decision to provide money to competitive programs, and to juvenile education.

Senator Towe asked if he was concerned that some communities were not doing well with the funds they get. Representative Brown replied that within six months he could see and feel the positive effects of the DARE program on his own children.

Senator Towe commented that language could authorize counties to overrule programs where spending is not effective. Representative Brown replied he would rather that the state not dictate this.

Senator Svrcek asked who is responsible for juvenile education. Mike Ruppert relied that the Task Force is hassling with the Lewis and Clark County Commissioners right now, because it is entirely up to them to decide how Task Force funds are spent.

Senator Mazurek asked if this were true of all counties. Mike Ruppert replied it is, and said the Task Force is strictly advisory in its nature.

Senator Mazurek asked how the dollars flow. Mr. Goke replied there is local control in all cases. He said 61-2-106, MCA, helps to clarify this, and that he appreciates what the County Commissioners want to do as long as their decisions go along with this program.

Representative Brown advised the Committee that local governments are submitting plans to the state. He said the Home Free program in Great Falls was kept out of these funds by Mr. Goke's decisions, that the he believes local governments don't know where they dollars belong. He commented that the difficulty now is that the state is totally dominating the process. Representative Brown said he supports the DARE program as it helps children to develop a rapport with police officers.

Chairman Pinsoneault asked if this was strictly a federal match before. Mr. Goke replied that the percentage was based on eligible states, and that Montana received one-thirteenth of the funds.

Closing by Sponsor:

Representative O'Keefe said Representative Brown doesn't like state control of these dollars. He said Mr. Goke controlled the federal dollars and they are gone, but the counties have total control over reinstatement fee dollars. He further stated that he didn't even know if Mr. Goke would be involved if HB 494 passes. Representative O'Keefe stated the fee dollars would be well-spent in education, identifying problems in the state, and in treatment. He said these are good goals, but the Committee needs to decide who will get funds.

Representative O'Keefe said the increased reinstatement fees have already been put into the budget for DUI, and that Appropriations will be $200,000 in the hole if HB 494 does not pass.

HEARING ON HOUSE BILL 110

Presentation and Opening Statement by Sponsor:

Representative Bob Gilbert, District 22, said HB 110 is a drug-testing bill for Montana employees of motor carriers, and brings Montana into compliance with federal regulations. He explained that, right now, motor carriers are in violation of state law if they follow federal law, and vice versa. Representative Gilbert provided an amended to correct a conflict with SB 31 (Exhibit #8a).

Proponents' Testimony:

Representative Dave Wanzenried, District 7, said the bill was very carefully drafted, and requested that it do pass.

Curt Laingen, Montana Motor Carriers Association, said he represents 300 Motor Carrier members, 200 logging truck carriers, and 150 livestock carriers who are responsible for 90 percent of intrastate commerce. He stated the drug-testing program is important, and read from prepared testimony in support of the bill (Exhibits #9 and #10).

Dan Edwards, International Representative, Oil, Coal, and Atomic Workers (OCAW), read from a prepared statement (Exhibit #11). He also provided supporting testimony from Jeffrey Renz, American Civil Liberties Union (ACLU) (Exhibit #12).

Mr. Edwards told the Committee he assumed that Exxon would be present asking for special consideration, and that they may be tempted to allow a proposed amendment. He asked the Committee to resist an Exxon amendment, and said he did not want all the work in SB 31 to be for naught.

Byron Roberts, Transportation Division, Montana Department of Commerce, said the bill allocates funds, and assists the transit system in the state via drug-testing rules. He explained that there are no drug testing rules now, and that a rule was enacted applying to the 14 largest cities in Montana, allowing them to do five kinds of drug tests. He said sanctions would be through administrative rule.

Mr. Roberts stated that Montana could have lost $5.7 million in federal dollars, but a federal court declared the UMPTA rules void. He said bills were introduced in both Houses of Congress, but were defeated, and that the U.S. Department of Transportation is now trying to provide rules for this same authority the appellate courts said they did not have. Mr. Roberts said he feels

ROLL CALL

SENATE JUDICIARY COMMITTEE

52nd LEGISLATIVE SESSION -- 1991 Date 7/Mar91

NAME	PRESENT	ABSENT	EXCUSED
Sen. Pinsoneault	✓		
Sen. Yellowtail	✓		
Sen. Brown	✓		
Sen. Crippen			
Sen. Doherty	✓		
Sen. Grosfield	✓		
Sen. Halligan	✓		
Sen. Harp	✓		
Sen. Mazurek	✓		
Sen. Rye	✓		
Sen. Svrcek	✓		
Sen. Towe	✓		

Each day attach to minutes.

21 Mar 91
HB 494

MONTANA

YEAR	TOTAL ACCIDENTS				FATAL ACCIDENTS				FATALITIES				INJURIES			
	ALL	ALC	NONALC	%	ALL	ALC	NONALC	%	ALL	ALC	NONALC	%	ALL	ALC	NONALC	%
78	24138	4194	19944	17.4%	234	139	95	59.4%	271	154	117	56.8%	10012	3220	6792	32.2%
79	22476	4320	18156	19.2%	275	137	138	49.8%	332	164	168	49.4%	10263	3453	6810	33.6%
80	20812	4400	16412	21.1%	276	163	113	59.1%	325	187	138	57.5%	9771	3458	6313	35.4%
81	21310	4711	16599	22.1%	289	182	107	63.0%	338	211	127	62.4%	10460	3808	6652	36.4%
82	19382	4301	15081	22.2%	215	136	79	63.3%	254	159	95	62.6%	9313	3283	6030	35.3%
83	18670	4172	14498	22.3%	253	148	105	58.5%	286	165	121	57.7%	9262	3149	6113	34.0%
84	18779	3597	15182	19.2%	204	99	105	48.5%	238	111	127	46.6%	9361	2807	6554	30.0%
85	17938	3055	14883	17.0%	194	105	89	54.1%	223	118	105	52.9%	8701	2413	6288	27.7%
86	17226	2794	14432	16.2%	193	94	99	48.7%	222	106	116	47.7%	8461	2323	6138	27.5%
87	15242	2531	12711	16.6%	198	105	93	53.0%	234	128	106	54.7%	8442	2126	6316	25.2%
88	16059	2597	13462	16.2%	183	89	94	48.6%	198	95	103	48.0%	8232	2185	6047	26.5%
89	17663	2536	15127	14.4%	163	76	87	46.6%	181	87	94	48.1%	8673	2126	6547	24.5%

Highway Traffic Safety
Department of Justice
State of Montana
Capitol Station
Helena, MT. 59620

21 Mar 91
HB 494

X #3
2/Mar 91
HB 494

61-2-106. County drinking and driving prevention program. (1) The governing body of a county may appoint a task force to study the problem of alcohol-related traffic accidents and recommend a program designed to:

(a) prevent driving while under the influence of alcohol;

(b) reduce alcohol-related traffic accidents; and

(c) educate the public on the dangers of driving after consuming alcoholic beverages or other chemical substances that impair judgment or motor functions.

(2) A task force appointed under subsection (1) shall conduct its study and submit its recommendations within 6 months from the date it was appointed.

(3) The county governing body may by resolution adopt the recommendations of the task force appointed under subsection (1). The proposed program must be approved by the governor as provided in 61-2-105.

(4) The chairman of the task force shall submit to the county governing body:

(a) a budget and a financial report for each fiscal year; and

(b) an annual report containing but not limited to:

(i) an evaluation of the effectiveness of the program;

(ii) the number of arrests and convictions in the county for driving under the influence of alcohol and the sentences imposed for these convictions;

(iii) the number of alcohol-related traffic accidents in the county; and

(iv) any other information requested by the county governing body or the department or considered appropriate by the task force.

(5) A copy of the annual report must be submitted to the department.

History: En. Sec. 1, Ch. 643, L. 1987.

61-2-107. License reinstatement fee to fund county drinking and driving prevention programs. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of $50 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) The department shall deposit the fees collected under subsection (1) in the general fund.

History: En. Sec. 2, Ch. 643, L. 1987; amd. Sec. 1, Ch. 55, L. 1989.

Compiler's Comments

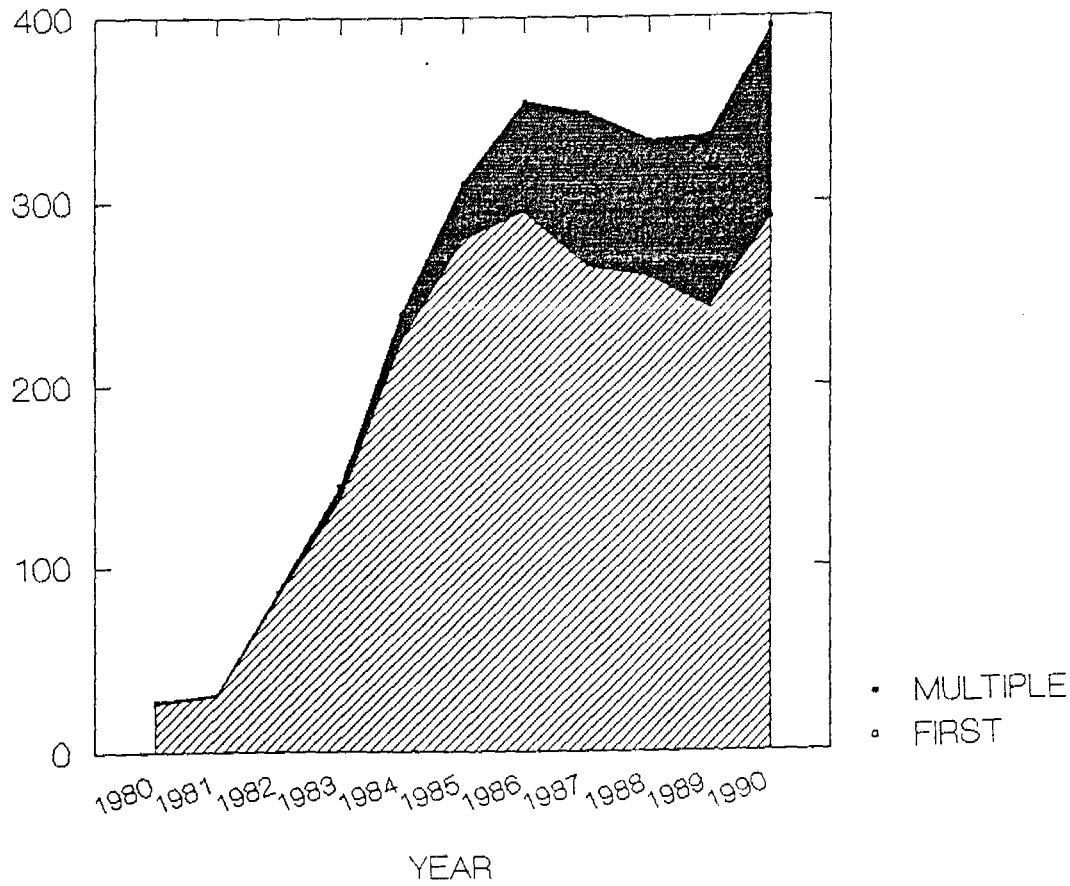
1989 Amendment: Near middle of (1), after "61-8-402", substituted "must remain suspended or revoked" for "may not be restored".

61-2-108. Funding allocation for programs to prevent or reduce drinking and driving. If the county in which the violation or violations occurred has initiated and maintained a drinking and driving prevention program as provided in 61-2-106, the department shall transmit the proceeds of the license reinstatement fees collected in that county to the county treasurer at the end of each quarter.

History: En. Sec. 3, Ch. 643, L. 1987.

EX #4
21 Mar 91
HB 494

Boyd Andrew - Dui Admissions - Lewis & Clark County - 1980-1990



Ex #5
21 Mar 91
HB 494

Flathead County
Board of Commissioners

800 SOUTH MAIN STREET • KALISPELL, MONTANA 59901 • (406) 752-5300

February 27, 1991

TO: Senator John Harp
Senator John "Ed" Kennedy Jr.
Senator Robert (Bob) Brown

FROM: Flathead County Commissioners
RE: H.B. 494

It is our understanding that an amendment was placed on H.B. 494 which completely decimates the original intent of the introduced bill.

As you are aware, Flathead County has been quite active in the DUI Task Force along with the three incorporated cities. A great deal of time and effort have been expended on this program to aid in the reduction of drunk drivers upon the highways.

Also, as you are aware, Federal funding for the DUI Task Force is in the process of drying up, leaving this activity vulnerable to complete shutdown. The original intent of H.B. 494 was to allow an increase from $50.00 to $100.00 in the DUI Reinstatement charge for the purpose of replacing the Federal funding and to allow a continuation of the DUI Task Force program.

The amendment allows much discretion to the County Commissioners for the placement and use of these funds as well as indicates various other areas where these funds can be used, other than the original intent. While we agree that these other areas need to be addressed we certainly do not feel that this is the correct avenue to take to address them.

We urgently request that you return the intent of this bill back to the original and do all you can to remove the amendment.

Thank you for your consideration and concern.

Sincerely,
FLATHEAD COUNTY BOARD OF COMMISSIONERS

Mary E. Adkins - Chairperson
Not Available for Signature (Medical)
Howard W. Gipe - Member

Sharon L. Stratton - Member

cc: Ad Clark, Kalispell Chief of Police

EX #6
31 Mar 91
HB 494

HOUSE BILL NO. 494

The original intent of the $ 50.00 reinstatement fee was to provide a sustaining revenue source for the DUI Task Force organizations throughout Montana. This year you have recognized the importance of those organizations by the preliminary approval of an increase to $ 100.00. As you know, the Federal Grant used for the Task Force activities has run out. With this increase, the Task Forces' of Montana are assured of continued success.

As a program Director and a member of the Flathead County DUI Task force, I strongly oppose the amendment to House Bill 494, for the following reasons.

1. The original intent was to support DUI Task Force Organizations. The amendments significantly reduce that intent.

2. Those citizens of Montana who are effected by Chemical Dependency and the Adult and Adolescent Chemical Dependency Treatment Centers, such as ourselves, would not benefit by the distribution of those fees. In Flathead County alone we have 40 to 50 counselor who counsel all human behaviors. The amount of dollars made available to Flathead County could easily be used up within 30 days or so, thereby leaving a 10 to 11 month dry spell.

3. Distributing funds to a number of organizations would not provide a single organization with any meaningful help. A good example could best be described by the Alcohol Tax which was originally designed to support treatment and rehabilitation for Alcoholism. Each year more money goes toward State sponsored activities and less toward Treatment & Rehabilitation.

4. Counties are not equipped to hold all those potential applicants accountable. The DUI task force organizations have built in checks and balances and methods of measuring their activities.

5. The private entities such as community prevention organizations in Butte, Kalispell, Missoula, etc. are supported by Federal Grants and community involvement. These organizations would continue regardless of outside funding, maybe to a lesser degree, but never the less, they would continue to function at a high level. They are grass roots organizations with excellent community support.

6. Myself, as program director of one of the largest out-patient treatment programs in Montana, one that is very capable of spending the Task Force money, ask you to delete the amendments on HB 494. Please keep the original intent of the legislation and remove the amendments.

Ex. 6
3-21-91
HB 494

7. My final point-The DUI Task Forces and Law Enforcement are the organizations who directly generate the reinstatement fees. They do this by enforcing the DUI laws through special programs funded by the reinstatements fees. They enforce the laws, save lives by doing so, and it does not cost the state a penny. Should their funding decline, so shall the fees. The amendments made to HB 494 creates a loss to everyone.

MISSOULA TRAFFIC SAFETY TASK FORCE
EDUCATION
ENGINEERING
ENFORCEMENT
EVALUATION
Missoula City-County Health Department
301 West Alder — Missoula, Montana 59802
(406) 523-4775

Ex #7
21 Mar 91
HB 494

March 21, 1991

Senator Dick Pinsoneault, Chairman
Senate Judiciary Committee
Montana State Senate
State Capital
Helena, MT 59620

Dear Senator Pinsoneault:

I am writing to urge you to pass HB494 "AN ACT INCREASING THE DRIVER'S LICENSE REINSTATEMENT FEE; AND AMENDING SECTION 61-2-107, MCA" as originally written, WITHOUT the amendment.

I have worked as the coordinator of the Missoula Traffic Safety Task Force for the past four years. The task force had it's origin in November 1982 and focused solely on DUI related issues. The success of this community partnership approach caused the Task Force to be expanded in subsequent years to address a variety of traffic safety concerns.

The DUI component of the Task Force provides a coordinated drinking and driving prevention program consisting of extensive education and enforcement activities. We believe that these efforts have resulted in a dramatic reduction in alcohol-related motor vehicle crashes in Missoula County.

The task force is a community action group of over 50 volunteers representing community leaders, interested citizens, law enforcement, city and county government, the medical community, insurance industry, tavern owners, alcohol wholesalers, schools, social services and legal counsel. It has employed various strategies to reduce the incidence of drinking and driving, including support of local law enforcement efforts with training programs in DUI detection and overtime reimbursements to fund safety spot checks and a DUI Enforcement Team, alcohol server training, free taxi service for impaired drivers, and providing information to target audiences about the consequences and costs related to a DUI conviction.

Ex. 7
3-21-91
HB 494

During the 7 years of Task Force operation, Missoula has had 549 fewer alcohol-related crashes than we would have expected if we had maintained the rate established in 1983. In 1989 alone, we had a 70% reduction in alcohol-related crashes from our 1983 base year. In spite of this accomplishment, alcohol- and other drug-impaired driving continues to be a serious problem. Since 1983, Missoula DUI arrests have averaged 700 per year. The average blood alcohol concentration of persons arrested for driving under the influence is .18 -- nearly twice the legal limit.

Federal grants and revenue generated by the $50 driver's license reinstatement fee assessed to persons who lose their license for an alcohol-related traffic offense have sustained Missoula's DUI reduction efforts for the past eight years. Federal funding for DUI countermeasure programs is being systematically reduced and will result in less proactive DUI enforcement and public information and education endeavors. Therefore, we need a funding mechanism to sustain these valuable efforts at their present level.

An increase in the driver's license reinstatement fee from $50 to $100 would accomplish that end. The increased reinstatement fee would place the cost of program support on program users rather than on taxpayers and maintain the ability of local community partnerships to contend with the complex challenge of reducing the incidence of impaired driving and related motor vehicle crashes. Dividing the revenue generated from the increased fee among a number of recipients would result in many ineffectual programs as opposed the continuation of a program which has already proven itself.

Sincere regards,

Lonie Parson, Coordinator
Missoula Traffic Safety Task Force

4062562736

MAR 21 '91 09:55 YELL-CO-CENT-SVCS.

Ex #8
21 March 91
HB 494

Post-it™ brand
Fax Transmittal Memo 7672

To Sen. R.J. Pinsoncault	No. of Pages 2	Today's Date 3-21-91	Time 10:05 AM
Company	From Dale R. Mitchell		
Location	Company		
Fax # 444-4169 Telephone #	Location Bldg	Dept. Charge 571	
Comments	Fax #	Telephone #	
	Original Disposition: ☐ Destroy ☐ Return ☐ Call for pickup		

Attach Document At Line

County of Yellowstone

BILLINGS, MONTANA 59101

COUNTY ATTORNEY'S OFFICE, YELLOWSTONE COUNTY COURTHOUSE, ROOM 608
(406) 256-2870

☐ Criminal Division
☐ Civil Division
☐ Deferred Prosecution
☐ Victim/Witness Assistance
☐ Child Support Enforcement

March 21, 1991

Senator Richard J. Pinsoncault
Chairman, Judiciary Committee
Montana State Senate
Helena, MT 59620

Attn: Al Goke

RE: House Bill 494

Dear Senator Pinsoncault,

I am writing on behalf of the Yellowstone County DUI Task Force which I serve as chairman. I am unable to travel to Helena to address your committee regarding HB 494 and the amendments which have been proposed in the Senate. Therefore, I hope you will allow me to offer my comments by letter.

I have spoken with alcohol abuse treatment professionals in Billings regarding the proposed Senate amendments to HB 494. Specifically, I asked about the effect of money for treatment programs which could come from proposed increases in drivers' license reinstatement fees. The responses I received show that, from a treatment perspective, the Senate amendments proposed to HB 494 would be counterproductive and could actually undermine alcohol abuse treatment efforts in Yellowstone County.

I have heard two basic concerns which have been repeatedly expressed. First, any money which might come to treatment programs from HB 494 as amended would have a minimal effect on those programs. This problem is exacerbated because the proposed amendments also require distribution of money to programs which are not related to alcohol abuse treatment.

Second, alcohol abuse treatment professionals are fiercely proud of the services currently provided, many of which are paid by those who need help for alcohol abuse and receive the benefits of treatment programs. However, those professionals resist any effort to undermine DUI detection in the county which helps identify persons in need.

... for DUI Task Forces than

Ex. 8
21 Mar 91
HB 494

fewer DUI overtime police patrols in the city and county which in turn will mean a reduction in our efforts to detect DUI drivers and thereby identify persons who could benefit from alcohol abuse treatment.

The proposed Senate amendments to HB 494 will not serve the interests of individuals in Yellowstone County who need alcohol abuse treatment. Nor will the proposed allotments to alcohol abuse treatment programs provide the best use of increased license reinstatement fees. Therefore, Yellowstone County DUI Task Force urges the Senate Judiciary Committee to adapt HB 494 without amendments proposed in the Senate.

Thank you for this opportunity to offer my comments. If you have question or need further information, do not hesitate to write or call.

Sincerely,

Dale R. Mrkich

Dale R. Mrkich
Chairman
Yellowstone County DUI Task Force

PRM:mlo

DATE 3-21-91

COMMITTEE ON Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Bruce Wade	MMA	173		
Mike Voeller	Lee Enterprises	173	✓	
Georgia McCauley	DUI	HB 494	✓	✓ AMEND
Conrad Wortman	DUI Task Force	494	✓	
Dean Schantz	OCAW	HB 110	✓	
Ed Logan	OCAW	HB 110	✓	
Jim Gulleson	Flathead City DUI	494	✓	✓ Amend
Mike Ruppert	COPS	494	✓	
Barb Ray	Lewis & Clark DUI Task Force	494	✓	
Curt Laingen	MT Motor Carriers Ass'n	110	✓	
Connie Pierson	Missoula DUI Task Force	494	✓	
Neil Habets	Cascade County DUI Task Force	494	✓	✓ Amendment
Steve Browning	IBM - Montana For a DWI Free Soc'y	110	✓	
Dawn Wortman-Obie	MT Montana Lic DUI Task Force	494	✓	Oppose Amend
Pat Braden	MT Magistrates Assn	839	✓	

(Please leave prepared statement with Secretary)

Amendments, Discussion, and Votes:

Senator Towe stated that the senior citizens do not want to be under gaming regulation. He explained his amendments (Exhibit #7) which exempt seniors from the card game and bingo sections of the law, and change "license" to "permit".

Senator Mazurek commented that the amendment does what the bill attempted to do.

Senator Yellowtail asked if senior citizens could not get into "casinoization" under this bill. Valencia Lane replied that they must be non-profit (page 6, lines 2-9).

Senator Halligan advised the Committee that page 7, Section 2, limits games to members and guests.

Senator Towe's motion to amend HB 847 carried with all members voting aye except Senator Harp who voted no.

Recommendation and Vote:

Senator Towe made a motion that HB 847 BE CONCURRED IN AS AMENDED. The motion carried unanimously. Senator Towe was asked to carry the bill.

EXECUTIVE ACTION ON HOUSE BILL 494

Motion:

Discussion:

Amendments, Discussion, and Votes:

Chairman Pinsoneault advised the Committee that he wanted to address how the funds would be split.

Valencia Lane explained that the amendments leave the bill in essentially the same form, but allow the county treasurer to divide up funds (Exhibit #8).

Senator Towe commented that the reinstatement fee was raised from $50 to $100. Valencia Lane further explained that the program is already in statute, and assesses a $50 fee to the counties with DUI Task Force Programs. She said the bill only doubles that amount.

Chairman Pinsoneault stated that Lake County has the highest DUI rate in the state, and that the Task Force is working very well there.

Senator Towe made a motion to amend the bill to its original state. The motion carried 9-2 in a roll call vote (attached).

Senator Mazurek stated that the local governments want flexibility in expending these dollars, instead of having them go to the Department of Justice.

Senator Harp asked how unincorporated areas would be affected. Chairman Pinsoneault replied that would not change. Senator Mazurek stated the dollars will still go to the general fund, even with Representative Brown's amendments.

Recommendation and Vote:

Senator Towe made a motion that HB 494 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 501

Motion:

Senator Mazurek made a motion that HB 501 BE TABLED.

Discussion:

There was no discussion on the motion.

Amendments, Discussion, and Votes:

There were no amendments.

Recommendation and Vote:

The motion made by Senator Mazurek carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 353

Motion:

Senator Mazurek made a motion that HB 353 BE CONCURRED IN. He said the Secretary of State advised him that this language was closely worked out.

Discussion:

There was no discussion on the motion.

Amendments, Discussion, and Votes:

There were no amendments.

ROLL CALL

SENATE JUDICIARY COMMITTEE

52nd LEGISLATIVE SESSION -- 1991 Date April 19

NAME	PRESENT	ABSENT	EXCUSED
Sen. Pinsoneault	✓		
Sen. Yellowtail	✓		
Sen. Brown	✓		
Sen. Crippen	✓		
Sen. Doherty	✓		
Sen. Grosfield	✓		
Sen. Halligan	✓		
Sen. Harp	✓		
Sen. Mazurek	✓		
Sen. Rye	✓		
Sen. Svrcek	✓		
Sen. Towe	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

April 2, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 494 (third reading copy as amended -- blue), respectfully report that House Bill No. 494 be amended and as so amended be concurred in:

1. Title, lines 7 through 11.
Following: ";" on line 7
Strike: remainder of line 7 through "," on line 11
Following: "~~SECTION~~"
Strike: remainder of line 11 in its entirety
Insert: "SECTION"

2. Page 2, lines 1 and 2.
Following: "~~:~~" on line 1
Strike: remainder of line 1 through "." on line 2
Following: "THE"
Insert: "department shall deposit the"

3. Page 2, lines 3 through 22.
Following: "(1)" on line 3
Strike: remainder of line 3 through "COUNTY" on line 22
Insert: "in the general fund"

4. Page 2, line 23 through page 4, line 14.
Strike: section 2 in its entirety

Signed: _____
Richard Pinsoneault, Chairman

4-2-91
Amd. Coord.

4-2
Sec. of Senate

EX #8
4-1-91
HB 494

Amendments to House Bill No. 494
Third Reading Copy (BLUE)
DAVE
Requested by Rep. Brown
For the Committee on Judiciary

Prepared by Valencia Lane
March 25, 1991

1. Title, line 8.
Following: "TO"
Insert: "CITIES AND"

2. Title, line 11.
Following: "17-7-502"
Insert: ","
Strike: "AND"

3. Title, line 12.
Following: "61-2-107,"
Insert: "AND 61-2-108,"

4. Page 1, line 16.
Following: "fund"
Strike: "county"

5. Page 2, line 8.
Following: "COUNTY."
Insert: "The county treasurer shall distribute the fee money to each incorporated city or town in the county in the ratio that the population of the incorporated city or town bears to the county population."

6. Page 2, line 10.
Following: "THE"
Insert: "county portion of the"

7. Page 2, line 15.
Following: "SUBSTANCE ABUSE"
Strike: ";"
Insert: "and"

8. Page 2, lines 15 and 16.
Following: "DELINQUENCY" on line 15
Strike: remainder of line 15 through "PROGRAMS" on line 16

9. Page 2, line 16.
Following: "."
Insert: "An incorporated city or town shall use the fee money in the same manner as counties."

10. Page 2, line 23.
Following: line 22

Insert: "**Section 2.** Section 61-2-108, MCA, is amended to read:

"**61-2-108. Funding allocation for programs to prevent or reduce drinking and driving.** If the county in which the violation or violations occurred has initiated and maintained a drinking and driving prevention program as provided in 61-2-106, the department shall transmit the proceeds of the license reinstatement fees collected under 61-2-107(2)(b) in that county to the county treasurer at the end of each quarter.""

Renumber: subsequent section

Ex. 9
4-1-91
HB 494

Amendments to House Bill No. 494
Third Reading Copy

For the Committee on Judiciary

Prepared by Greg Petesch
April 1, 1991

1. Title, lines 7 through 11.
Following: ";" on line 7
Strike: remainder of line 7 through ";" on line 11
Following: "~~SECTION~~"
Strike: remainder of line 11 in its entirety
Insert: "SECTION"

2. Page 2, lines 1 and 2.
Following: "~~.~~" on line 1
Strike: remainder of line 1 through "." on line 2
Following: "THE"
Insert: "department shall deposit the"

3. Page 2, lines 3 through 22.
Following: "(1)" on line 3
Strike: remainder of line 3 through "COUNTY" on line 22
Insert: "in the general fund"

4. Page 2, line 23 through page 4, line 14.
Strike: section 2 in its entirety

Ex. 9
4-1-91
HB 494

HOUSE BILL NO. 494

INTRODUCED BY O'KEEFE, T. NELSON, FAGG, CONNELLY, PIPINICH, J. BROWN, STRIZICH, PECK, REAM, BECKER, MERCER, GILBERT, HARPER, SCHYE, RYE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE DRIVER'S LICENSE REINSTATEMENT FEE; STATUTORILY APPROPRIATING THE FEES TO CITIES AND COUNTIES FOR PROGRAMS AND FACILITIES FOR MINORS, ADULT CHEMICAL DEPENDENCY TREATMENT PROGRAMS, LAW ENFORCEMENT TRAINING PROGRAMS, AND LAW ENFORCEMENT EQUIPMENT; AND AMENDING ~~SECTION~~ SECTIONS 17-7-502 ~~AND~~ AND 61-2-108, 61-2-107, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-2-107, MCA, is amended to read:

"61-2-107. License reinstatement fee to fund ~~county~~ drinking and driving prevention programs. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of $50 $100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) ~~The department shall deposit the fees collected under subsection (1) in the general fund.~~ (A) THERE IS AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND. THE FEES COLLECTED UNDER SUBSECTION (1) MUST BE DEPOSITED IN THE ACCOUNT. THE MONEY IN THE ACCOUNT IS STATUTORILY APPROPRIATED TO THE DEPARTMENT, AS PROVIDED IN 17-7-502, TO BE DISTRIBUTED TO COUNTY TREASURERS. THE DEPARTMENT SHALL DISTRIBUTE TO EACH COUNTY TREASURER ALL FEE MONEY IN THE FUND COLLECTED FROM DRIVERS RESIDING IN THAT COUNTY. EXCEPT AS PROVIDED IN SUBSECTION (2)(B), THE BOARD OF COUNTY COMMISSIONERS IN EACH COUNTY SHALL DISTRIBUTE THE county portion MONEY TO STATE AND LOCAL GOVERNMENTAL ENTITIES, AND PRIVATE ENTITIES WORKING WITH STATE AND LOCAL GOVERNMENTAL ENTITIES, THAT OPERATE PROGRAMS WITHIN THE COUNTY THAT ADDRESS THE PROBLEMS AND CONCERNS OF MINORS, INCLUDING BUT NOT LIMITED TO SUBSTANCE ABUSE, and CHILD ABUSE, NEGLECT, AND DELINQUENCY. ~~AND YOUTH RECREATIONAL FACILITIES AND PROGRAMS.~~

(B) A BOARD OF COUNTY COMMISSIONERS MAY DISTRIBUTE UP TO ONE-HALF OF THE MONEY DISTRIBUTED TO THE COUNTY TREASURER UNDER SUBSECTION (1)(A) TO ADULT CHEMICAL DEPENDENCY TREATMENT PROGRAMS AND LAW ENFORCEMENT TRAINING PROGRAMS THAT OPERATE WITHIN THE COUNTY AND FOR EQUIPMENT FOR LOCAL GOVERNMENT LAW ENFORCEMENT AGENCIES WITHIN THE COUNTY."

NEW SECTION. Section 2. (see next page)

SECTION 3. SECTION 17-7-502, MCA, IS AMENDED TO READ:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an

The county treasurer shall distribute the fee money t each incorporated city or town in the county in the ratio that the population of the incorporated city or town bear to the county population.

An incorporated city or town shall use the fee money in the same manner as counties.

THIRD READING

appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150; 53-24-206; 61-2-107; 61-2-406; 61-5-121; 67-3-205; 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws of 1985.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3), pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991.)"

-End-

HB 0494/02

NEW SECTION.

Section 2. Section 61-2-108, MCA, is amended to read:

"**61-2-108. Funding allocation for programs to prevent or reduce drinking and driving.** If the county in which the violation or violations occurred has initiated and maintained a drinking and driving prevention program as provided in 61-2-106, the department shall transmit the proceeds of the license reinstatement fees collected under 61-2-107(2)(b) in that county to the county treasurer at the end of each quarter."

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 4-1-91 Bill No. HB494 Time 11:30 am

NAME	YES	NO
Sen. Brown	✓	
Sen. Crippen	✓	
Sen. Doherty		✓
Sen. Grosfield	✓	
Sen. Halligan	✓	
Sen. Harp	✓	
Sen. Mazurek		✓
Sen. Rye		
Sen. Svrcek	✓	
Sen. Towe	✓	
Sen. Yellowtail	✓	
Sen. Pinsoneault	✓	
	9	2

Jody Bird
Secretary

Sen. Dick Pinsoneault
Chairman

Motion: DP. Do Pass - Carried by Original Form